

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 14, delete "based on a criminal action;" and insert
- 2 **"brought by the attorney general of the United States, a United**
- 3 **States attorney, the attorney general of Indiana, or an Indiana**
- 4 **prosecuting attorney under:**
- 5 (i) IC 34-24-1;
- 6 (ii) IC 34-24-2;
- 7 (iii) IC 34-24-3;
- 8 (iv) IC 5-11-5;
- 9 (v) IC 5-11-6;
- 10 (vi) IC 5-13-6;
- 11 (vii) IC 5-13-14-3; or
- 12 (viii) 18 U.S.C. Sec. 1964;"
- 13 Page 2, line 7, delete "that individual's acts as an officer or
- 14 employee" and insert **"an act that was within the scope of the official**
- 15 **duties of the officer or employee".**
- 16 Page 2, line 9, after "reasonable" insert **"and customarily charged".**
- 17 Page 2, line 12, delete "the" and insert **"all".**
- 18 Page 2, line 12, after "charges." insert **"The fiscal body of the unit**
- 19 **or municipal corporation shall reimburse the officer or employee**
- 20 **for reasonable and customarily charged expenses, as determined by**

1 **the fiscal body of the unit or municipal corporation, incurred in the**
 2 **officer's or employee's defense against those charges, if all charges**
 3 **have been dismissed or the officer or employee has been found not**
 4 **guilty of all charges."**

5 Page 2, line 14, delete "relating to that".

6 Page 2, line 15, delete "individual's acts as an officer or employee".

7 Page 2, line 17, after "reasonable" insert **"and customarily**
 8 **charged"**.

9 Page 2, line 19, delete "employee." and insert **"employee and the**
 10 **acts were within the scope of the official duties of the officer or**
 11 **employee. The fiscal body of the unit or municipal corporation**
 12 **shall reimburse the officer or employee for reasonable and**
 13 **customarily charged expenses, as determined by the fiscal body of**
 14 **the unit or municipal corporation, incurred by the officer or**
 15 **employee as a result of the grand jury investigation, if the grand**
 16 **jury fails to indict the officer or employee."**

17 Page 2, line 21, delete "based on a criminal action" and insert
 18 **"described in section 2(1)B(i) through section (2)(1)(B)(viii) of this**
 19 **chapter and brought by a person described in section 2(1)(B) of this**
 20 **chapter"**.

21 Page 2, line 22, delete "relates to that individual's acts as an officer
 22 or employee" and insert **"involves an action within the scope of the**
 23 **official duties of the officer or employee"**.

24 Page 2, line 24, after "reasonable" insert **"and customarily**
 25 **charged"**.

26 Page 2, line 25, after "action" insert **". The fiscal body of the unit**
 27 **or municipal corporation shall reimburse the officer or employee**
 28 **for reasonable and customarily charged expenses incurred in the**
 29 **officer's or employee's defense against the civil action"**.

30 Page 2, line 26, delete "either:".

31 Page 2, line 27, delete "(A)".

32 Page 2, run in lines 26 through 27.

33 Page 2, delete lines 29 through 31.

- 1 Page 2, line 32, after "(2)" insert "**a judgment is rendered in favor**
- 2 **of**".
- 3 Page 2, line 32, delete "prevailed" and insert "**on all counts**".
(Reference is to SB 322 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson